

May 18, 2003

State Government News Summary



**Prepared by the Budget and Control Board
Office of the Executive Director**

MyrtleBeachOnline.com

Posted on Sun, May. 18, 2003

LEGISLATURE

Senate to start budget crunch

Lawmakers' debate spills into 3rd week

By Valerie Bauerlein
Knight Ridder

COLUMBIA - The S.C. Senate begins its third week of work on the state budget Monday, stuck between the rock of raising taxes and the hard place of severely cutting services.

The latter could mean taking school funding back to 1977 levels and cutting at least \$100 million in health care for seniors, the poor and the disabled.

Senators are writing a budget that is the leanest in modern memory. They do not have enough money to pay for services at this year's level, but they disagree on what to do about it.

They've voted down increases on state sales taxes and higher cigarette taxes.

They've also nixed House suggestions to impose fees on things including prison stays and traffic tickets.

That leaves senators looking to cut \$262 million out of the state's \$5 billion budget, or come up with a compromise such as raising taxes temporarily.

The debate has been vigorous.

Democrats and Republicans have been wrapping each other in procedural knots and jousting in words.

Consider this exchange.

State Sen. David Thomas, R-Greenville: "What we need to do is tighten the belt."

State Sen. Tommy Moore, D-Aiken: "If you don't have any clothes on, you don't need a belt."

Although colorful, the debate has not always been productive.

State Sen. Scott Richardson, R-Beaufort, slammed his colleagues for spending two weeks and \$500,000 in legislative time, at \$74,000 a day, doing virtually nothing.

"I'm not sitting up here for another week of this shell game," Richardson said.

Senators have said they will finish writing their version of the \$5 billion budget this week, one way or another.

They could:

Compromise on a proposal to increase cigarette taxes, as a way to raise \$170 million a year for the

Medicaid health care program.

Democrats and a handful of Republicans voted down a proposal by Republican Gov. Mark Sanford to raise the cigarette tax in exchange for lowering the income tax. This week, Republicans, the Senate's majority, might push for a cigarette-tax increase alone.

Pull some yet-to-be-named rabbit out of a yet-to-be-named hat.

But budget writers say they are out of rabbits. The state's already raided its reserve funds.

Send the budget out as is, essentially as the House sent it over.

That budget would lower per-student spending in public schools to \$1,643, the same level as in 1977, when adjusted for inflation.

Because the Senate disagreed with House proposals on refinancing tobacco bonds and other changes, the as-is budget also would lower the state's contribution to the Medicaid budget by \$100 million, money that would have been matched by \$300 million in federal money.

The debate often has broken along party lines.

Republicans control the House and Senate and have Sanford in the Governor's Office.

Many have signed pledges not to raise taxes under any circumstances.

Democrats say the Republicans aren't leading. They have no plan for pulling the budget together.

Republicans say the Democrats are harpooning anything they try.

State Sen. Phil Leventis, D-Sumter, says he's tempted to give Republicans what they want just to show the consequences of not investing in the state.

"The worst thing in the short term could be the best thing in the long term."

But Leventis said he hopes the Senate reaches consensus on finding more money because the long-term damage to the state would outweigh any political bounce.

State Sen. Verne Smith, R-Greenville, said the Senate is in the worst shape he's seen it in his 30 years there, from rancor over the rules to lack of consensus.

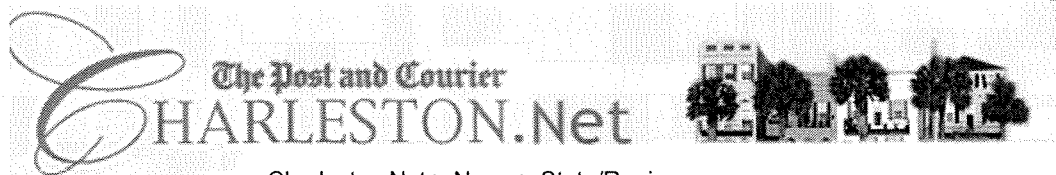
For now, Sanford is optimistic that the Senate will rethink his plan, spokesman Will Folks said.

"We've, quite frankly, got a long way to go before this thing is anywhere near over," he said.

Once the Senate finishes writing its budget, a joint committee of the House and Senate will work out differences between their proposals.

The budget will then go to Sanford for his signature. It takes effect July 1.

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Story last updated at 7:19 a.m. Sunday, May 18, 2003

Senate budget talks go on and on and on

BY BRIAN HICKS

Of The Post and Courier Staff

COLUMBIA--If the state Senate had to agree on every dollar South Carolina spends, well, the good news is that there wouldn't be a budget crisis.

We'd never spend a dime.

That's the bright side of the second dismal week of the Senate budget debate, which has featured endless combinations of Democrats and Republicans sparring over where the money should go and whether taxes should go up. A sampling of the debate:

Sen. John Land, the Democratic leader, noted that state employees haven't had raises in three years, but that hasn't stopped an average of 3 percent inflation. Land said that amounts to a pay cut that, coupled with a proposal to raise health insurance premiums, is going to devastate the state's workforce.

"I believe you've whipped them into shape. They know you mean business now," Land said, blasting the Republicans for opposing **Sen. Tommy Moore's** plan to dig the state out of a \$1 billion budget crisis with a 2-cent sales tax increase.

"I, too, want to do something for state employees," **Senate Finance Chairman Hugh Leatherman** said, "but if you don't have the money, how do you do it?"

By the end of the week, the carcasses of several tax-increase and tax-swap plans cluttered the Senate floor, including **Gov. Mark Sanford's** income tax reduction in exchange for a cigarette tax increase and Moore's plan to raise the state sales tax by 2 cents. Still, there was no deal.

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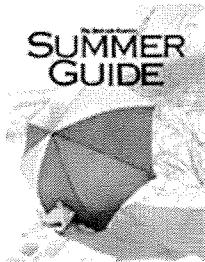
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But, just like in a bad horror movie, sometimes the dead come back. Most senators say that every one of those plans will be back on the table when the budget is passed.

That "when" should be qualified to an "if." There is some debate on how long it will take these guys to get all talked out and do something. The great thing for reporters was that they could slip out of the Senate for, say, five or six hours, come back and find that nothing had changed.

Some Senate staffers have begun to whisper that they are living in their own hellish version of "Groundhog Day," the Bill Murray movie about a man forced to live the same day over and over again (In "The Matrix," it's called a deja vu). Hey, was that **Jake Knotts** walking by again?

Perhaps the most tedious part of the debate has been points of order rulings on various amendments, which are raised to stop amendments. A common point of order: Tax plans seek to change permanent law, which cannot be done in an appropriations bill. Wake up, this is almost over.

With the Senate stuck spinning its wheels, debating the rules, **Sen. Verne Smith**, R-Greer, said the chamber had finally hit rock bottom.

"We are suffocating under our own rules, and we cannot function," Smith said, blasting his colleagues. "We've got to work something out instead of acting like eunuchs."

He said it.

AND THE WINNER WAS ...

With the Senate at work on the budget Tuesday night, the House had to play itself in the regularly scheduled annual House-Senate softball game.

Sensing that would be the case, House members agreed in advance to play an intramural in absence of their foes from across the aisle (only **Sen. John Kuhn**, R-Charleston, left the budget debate for the game).

The game was not really competitive, and no one seemed to remember the score the next day. But then, the players had all the bragging rights they needed:

They could honestly say that the House team won.

INTO THE WELL

Noting that he often gets more attention from the well than the dais, **House Speaker David Wilkins** made a rare floor speech to gently scold lawmakers about their decorum.

Although he was politic enough to not mention any names, he was talking about the previous week's incident between **Reps.**



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LOCAL/STATE

S.C. LOTTERY

Leon Howard and **John Graham Altman III**. After Altman voted against Howard's bill to require covered drinking straws in South Carolina, Howard marched over to the West Ashley lawmaker's desk and called him, among other things, a "racist bastard."

Wilkins reminded his colleagues that there was a live audience present, and they also are on public television. Come to think of it, though, SCETV might lobby against a kinder, gentler House. More fights might improve the ratings.

Wilkins, showing his gift for managing the egos of House members, asked that they try to remain courteous and said, "I'm going to try to do a better job of maintaining decorum."

In other words, House members, please cuss each other out in a low tone of voice and take your fistfights outside.

STICK TO THE TOPIC

It is a safe bet that state **Rep. JoAnne Gilham** has been booted from the gubernatorial press conference guest list.

On Thursday, as the governor and legislative leaders announced a series of internal changes to the hated Department of Motor Vehicles, Sanford was his usual cordial self, inviting just about anyone who wanted to speak a turn at the lectern. He particularly called on Gilham, R-Hilton Head, who had worked on the DMV task force that had helped come up with the ideas. But Gilham wanted to talk about something else.

With the assembled state media focused on the podium, Gilham launched into a five-minute-plus tirade urging the state Senate to pass the .08 DUI legislation, which would lower the legal level of blood alcohol content a person can have to drive a car.

Drowned out briefly by the sound of two dozen reporters dropping their pens, Gilham continued on until someone found a hook to pull her away.

Sanford, who supports the .08 legislation, nevertheless looked at the assembled group of politicians carefully before asking, "Does anyone else want to talk ... about the DMV?"

RENT FREE

The House last week passed **Rep. Wallace Scarborough's** bill to bar school districts from charging rent to charter schools. That measure is part of legislation establishing discipline guidelines for charter schools, which includes the provision that a charter school board can refuse admission to a student expelled or suspended from another school.

"I thought it was ridiculous that the Charleston County School Board was threatening to charge rent to James Island High School," Scarborough, R-James Island, said. "It is a public school just like any other, and it was built with taxpayer money."

The bill appears to be on the fast track in the Senate.

WORKING MONDAY

This week, the Senate is expected to pick up its budget debate in a rare Monday session, and the House is expected to continue waiting for them to finish.

Contact Brian Hicks at (843) 937-5561 or bhicks@postandcourier.com.

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Posted on Sun, May. 18, 2003



Obsessing over two bills, Sanford reveals his thought processes

THIS IS A TALE of two vetoes -- one that happened, and one that didn't.

It sheds light onto the workings of the mind of Gov. Mark Sanford -- a matter of some perplexity to many.

On Wednesday, the governor vetoed funding for a State House monument to honor S.C. law enforcement officers killed in the line of duty. He did so because it would have spent \$500,000 of state money during hard times.

Mr. Sanford made it clear that he was all for a monument to fallen officers, but he wasn't going to spend public money on it in a year when "the State Law Enforcement Division is running a deficit of two million dollars and the Department of Corrections is running a deficit of twenty-seven million dollars."

In other words, he prefers to spend the money on live law enforcement officers, thereby possibly keeping some of them alive.

Very sensible, I thought, although not politically smart. This is going to cost the governor support on things he wants to do. One Republican lawmaker, Rep. James Merrill, decried the veto as "grandstanding by the governor," and promised to "hold up" another bill the governor wanted, "to get his attention."

They may be unhappy, but at least the bill's supporters can't say the governor didn't carefully consider their project before deep-sixing it. The governor spent surprising amounts of time agonizing over this and one other bill.

The other restored lottery funding to five historically black colleges in the state -- Allen University, Benedict College, Claflin University, Morris College and Voorhees College. The legislation was of critical importance to several African-American lawmakers because while poor, black South Carolinians are the most loyal players of the lottery, they are far less likely to receive lottery-funded LIFE scholarships, which tend to go to the middle-class kids with the high SATs.

"I will fight for it with my last breath," said Sen. Darrell Jackson early this year.

The governor came within a hair's breadth of vetoing this one, too, but decided finally to let it become law without his signature.

Like the other one, this decision was made after an extended bout of Hamlet-like deliberation on the governor's part, starting early Monday and running well into the night on Wednesday.

The governor brought up his indecision over the bills in two phone conversations last week.

He said they illustrated "our inability as a state to prioritize." They were small amounts, but they failed to

fit into a smart strategic framework for the state.

He acknowledged the wisdom in advice he received warning of the danger in vetoing these bills in terms of the political ill will they could engender, but insisted that "My gut is different, and I've always operated on a gut level."

He said he told his pragmatic staffers, "What you're asking me to do is become the person I am not" -- someone who would calculate decisions based less on the merits, and more on strategic advantage. And for good or for ill, that's not Mark Sanford.

"This is a pure guy," Chief of Staff Fred Carter said of his boss. "I disagree with him vehemently, but I respect the thought processes." Dr. Carter was trying to tell the governor that "we need every single vote" to pass his restructuring legislation, which "represents enduring reform," as opposed to saving a buck or two. Mr. Sanford was unconvinced.

What finally got him to back off on the bill for private black colleges was that Sen. Jackson convinced him that he was clinging to one principle at the expense of another. "Mark, you also believe in the principle of equity," the governor recalled the senator saying (which the senator later confirmed). Apparently, the fact that lottery funds were being disbursed in a way that denied opportunity to many won him over.

I asked the governor whether he didn't think he was obsessing about the trees at the expense of the forest. Shouldn't he trust his staff's advice on the small things, and focus on the big picture?

No, he said, because the two are inseparable. It's a matter of integrity. "Get the little things right, and the big things will take care of themselves."

Dr. Carter has learned that to his boss, there are no small issues. "Every piece of legislation that comes down here is a very consequential piece of legislation in the mind of Mark Sanford," he said.

"Mark Sanford loves the Socratic process," said Dr. Carter. "He loves the exchange." He never talks about whose side he will be on, or who will be made happy or angry by a decision; it's all about the merits.

"The guy is the consummate professor," said the once and future college president. "He doesn't know it, but he is."

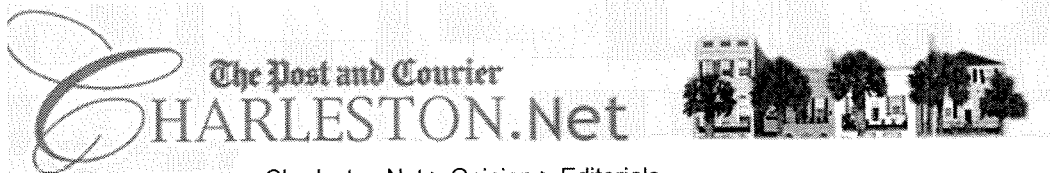
Coincidentally, Mr. Sanford had told me of a friend from Congress, Tom Campbell, R-Calif., now a professor at Stanford. Mr. Campbell had served before in Congress, and had played the game strategically, making deals to get things done. But after he went home, those deals bothered his conscience. When he went back to the House in 1996, he resolved to stick to his principles. The governor said that was some of the best advice he had ever received. Not the best political advice, but the best in terms of being able to sleep at night.

To the governor, that means there are no matters too small to agonize over. To him, each tree is essential to the forest.

"He thinks deductively," Dr. Carter of the governor. "He reasons from generalities to specifics." He urged me to listen for that the next time I talk to his boss.

I will. And while I'm listening, I'll still be trying to decide for myself whether I think \$500,000 is worth jeopardizing the goal of restructuring all of state government.

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Story last updated at 7:50 a.m. Sunday, May 18, 2003

Furlough is a better option

Lt. Gov. Andre Bauer, facing some of the same budget problems as state government in general, is expected to furlough employees unless he can obtain a waiver from the state Budget and Control Board to operate at a deficit. The lieutenant governor should recognize the part-time nature of his office, and authorize the 3-1/2-week furlough.

To his credit, Mr. Bauer is operating the office with less personnel than his predecessor. The office has attempted to adjust to an across-the-board cut that reduced the office budget some \$27,000 as Mr. Bauer took office. A spokesman cites other unexpected expenses, including a bill of \$17,000 for health insurance and a \$7,000 payout for accumulated sick leave to two employees who left the office with former Lt. Gov. Bob Peeler.

Consequently, Mr. Bauer finds himself \$29,000 short going into the last month of the fiscal year. A report from The Associated Press said he was considering a request to the Budget and Control Board to allow him to run a deficit, as the state Department of Corrections does.

But the Department of Corrections is an essential service, 12 months a year. The lieutenant governor's sole job is to preside over the Senate. For at least half the year, neither his presence, nor that of a staff, is actually required at the Statehouse. The same could be said for our legislators.

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Posted on Sun, May. 18, 2003

S.C. watchdog group to guard purse strings

By AARON SHEININ
Staff Writer

Gov. Mark Sanford wants to bring the "bloodhounds" to South Carolina.

In 1982, President Reagan created a committee of private sector leaders to work like "bloodhounds" to find government waste.

The Grace Commission, as it became known, made nearly 2,500 recommendations to save \$424 billion.

Whether it ever succeeded in saving a dime is unclear. Some argue that the commission exaggerated the potential savings. Commission members eventually blamed Congress for failing to act on the recommendations.

Regardless, Sanford is willing to give it a try. The governor first mentioned the idea of a government waste watchdog group in his State of the State address in January. He said he wanted to roll it out by Memorial Day.

With the holiday now a week away, South Carolina's version of the Grace Commission is still in the works, but on the way, Sanford says.

The governor's staff is collecting names and the governor says "we're on track" to have the commission in place by the end of the month. That would give the group June, July and August to gather data and issue a report in September.

Sanford first thought of the idea before he became governor. Now that he's been in office for five months, he says the need is even greater.

"Every time I turn around I see more and more need for a macro look at the whole of the way we spend money in South Carolina," Sanford says. "Every single day I turn around and see a new need for prioritizing."

Sanford already has addressed some of these issues. Just last week he:

- Vetoed a bill to spend \$500,000 on a memorial for law enforcement officers killed in the line of duty
- Railed against giving away empty state-owned armories to local governments, and
- Questioned the transfer of bulletproof vests from the Department of Public Safety to the Department of Corrections.

Reagan's commission also gave rise in 1984 to Citizens Against Government Waste, a watchdog group that has long favored Sanford.

The original Grace Commission report was 47 volumes and 21,000 pages, compiled over two years by 161 corporate executives and community activists working with 2,000 volunteers.

While it's unlikely the South Carolina version will be as voluminous or as audacious an undertaking, Sanford sees the chance for real results.

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Posted on Sun, May. 18, 2003

THIS WEEK IN THE LEGISLATURE

Redrawn maps to be studied by group

By Zane Wilson
The Sun News

COLUMBIA - New state Senate districts will be taken up Tuesday by a key House committee with the intention of passing them this year.

The House Judiciary Committee will review redrawn Senate maps that give Horry County more clout with 49 percent of what was a Charleston County-based district currently held by Sen. Arthur Ravenel, R-Mount Pleasant.

The change gives Horry County a chance to elect a third resident senator. It currently has two who live in the county. Two senators who live outside Horry represent portions of the county.

The Senate is anxious to get the changes through this year to allow time for U.S. Justice Department review under the Voting Rights Act, so elections and primaries can take place on schedule next year.

Confirmed

Vernie Dove of Myrtle Beach was confirmed Thursday by the Senate as Horry County's representative on the Santee Cooper board. Guerry Green of Pawleys Island was confirmed as Georgetown County's representative.

The state-owned utility provides direct service to the coastal areas of the two counties and indirect service through the city of Georgetown and rural electric co-ops.

School start dates

Legislators opposed to the later school start dates sought by tourism interests failed last week in exacting one form of revenge.

They want to abolish the state Board of Education, which has a representative from each of the 16 judicial circuits nominated by the legislative delegation from that circuit. Education Board member Greg Killian of Myrtle Beach, who represents Horry and Georgetown counties, successfully pushed for a rule requiring schools to start closer to Labor Day to help retrieve the August vacation season lost to earlier school opening days.

During debate on the issue on the House floor Wednesday, Rep. Bob Walker, R-Landrum, said the state Constitution requires a Board of Education, so he supported a law that, instead, takes away its power.

Walker was one of the main opponents of a uniform school start date, and he also admitted the bill was a reaction to the board's action.

"I'm impressed with the skill by which you're making the board a eunuch," said Rep. Walt McLeod, D-Little

Mountain.

Rep. Thad Viers, R-Myrtle Beach, said, "You're really curtailing the legislature from having people from across the state to work with the Department of Education."

The bill got sent back to a committee but could be back later in the session.

On Tuesday, Sen. Luke Rankin, D-Myrtle Beach, inserted the later Palmetto Achievement Challenge Test date into the state budget as another way to ensure passage. Action on that bill is stalled.

Ombudsman

The volunteer nursing home ombudsman bill, a priority of the Silver Haired Legislature and other seniors organizations, met with resistance in the House and was sent to a committee for more study.

But senior groups saw favorable action on two other priorities last week. The Senate almost certainly assured passage of a bulk-buying bill for prescription drugs for seniors, and agreement was reached on a predatory lending law.

The ombudsman bill has problems because of possible costs to administer the program, and fears of some legislators that the volunteers would interfere with operations of the nursing homes.

Horry House members, who have backed other senior issues, were among those who don't like the bill as written.

Here's how they voted on killing a motion to send the bill back for more study. Voting yes: Jim Battle, D-Nichols; Vida Miller, D-Pawleys Island; Bubber Snow, D-Hemingway. Voting no: Tracy Edge, R-North Myrtle Beach; Tom Keegan, R-Surfside Beach; Thad Viers, R-Myrtle Beach; Billy Witherspoon, R-Conway. Liston Barfield, R-Aynor, and Alan Clemmons, R-Myrtle Beach, did not vote.

Contact ZANE WILSON at zwilson@thesunnews.com or 520-0397.

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Story last updated at 7:50 a.m. Sunday, May 18, 2003

Raising the cigarette tax in South Carolina would hurt the economy

BY JIM HATCHELL

This is not the time to be raising taxes, any taxes. Most businesses and most individuals are still reeling from the economic woes of the past two years. It is not just government that is hurting, and government should not "fix" its problems on the back of an already struggling populace.

Of the more than 20 proposed tax increases being discussed by the S.C. Legislature, none has received more attention thus far than the increase in the tax on cigarettes. Small retailers and convenience store operators throughout South Carolina will face significant losses in revenue and jobs if the state increases this tax. All retailers who sell tobacco products will lose revenue, but it will hurt the small operations most.

The proposed cigarette tax will have a huge impact. If passed, it will be the largest percentage tax increase in the history of the state. According to figures generated by the S.C. Policy Council Education Foundation based on the experience of other states, a cigarette tax increase could result in approximately \$13 million in lost sales taxes for South Carolina and \$65 million in lost profits for retailers and wholesalers, as smokers seek to purchase products through other channels. Those lost profits will lead to 972 South Carolinians losing their jobs.

Sales of cigarettes and other tobacco products made up nearly 39 percent of convenience store sales in 2001. Tobacco is a legal product important to all retailers that sell it, but particularly important to convenience stores and other small retailers.

If the tax is increased, many customers will obtain their cigarettes through the Internet, purchase in lower-tax states, mail order channels, on Native American reservations and on the black market that will flourish in a higher tax environment. Not only will South Carolina lose the cigarette tax on all the purchases through

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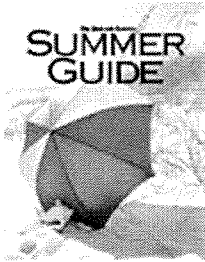
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alternative channels, the state and local governments will lose the sales tax on tobacco products, and state retailers will lose significant sales.

Sales of tobacco products through alternative channels also have the potential for increasing the availability of tobacco to young people not old enough to buy the products legally. That would run counter to youth smoking prevention efforts.

One of the alternative channels -- the black market -- raises law enforcement issues because it thrives on the illegal activity of smuggling cigarettes from one state to another in direct violation of state law. We also know from recent convictions in a federal court case in Charlotte that profits from cigarette smuggling have been used to benefit a terrorist organization.

This proposed tax increase is ill timed, ill advised and will exacerbate existing economic problems in the private sector. It is just plain wrong.

Washington is going through these same tough times. President Bush is pushing hard for tax cuts -- not increases -- as the right way to stimulate the economy. Is anybody paying attention out there?

Jim Hatchell is president of the S.C. Merchants Association.



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Cry for Argentina, not Men

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Posted on Sun, May. 18, 2003

So many criminals, so little space

More unsolved mysteries would aid crammed prisons

Public Safety director **Boykin Rose** put a scare into Corrections director **Jon Ozmint** at Gov. **Mark Sanford's** Cabinet meeting last week.

In discussing goals for the coming year, Rose jokingly mentioned how he was going to say cracking down on criminals was a goal, but he knew Ozmint's prisons were already full.

That got a charge out of Ozmint.

"No-o-o-o-o," Ozmint said, "we don't need any more. I'm all in favor of not solving crime. Mystery unsolved."

COMEDIAN, HEAL THYSELF

State Sen. **John Kuhn**, a freshman legislator from Charleston, has been the subject of a few raised eyebrows lately.

He got in trouble with pretty much everyone in Horry County when he said that Myrtle Beach got all the tourists that Charleston didn't want. Later, he made a speech about the good old days of the Senate, when men like **John C. Calhoun** ran the place.

And he took the floor last week to rail against his Republican colleagues -- apparently they had been griping to him about taking the floor too often.

But at least Kuhn can laugh at himself.

State Sen. **Phil Leventis**, D-Sumter, asked him for his e-mail address last week so he could send him some digital photos.

Said Kuhn:

"It's JRK@scsenate.org'.'. so it's 'Jerk.'"

IT AIN'T OVER 'TIL UNCLE VERNE SINGS

The Buzz gets a little bleary-eyed these days, as the budget stretches into its third week in the Senate and the points-of-order rulings are getting more and more complex (read: boring!).

So we'd like to thank state Sen. **Verne Smith**, R-Greenville, for waking us up and making us laugh.

Smith was frustrated with his colleagues' squabbling last week. So he picked up his mike and sang a little

song he wrote a long time ago:

Love one another'.'.'.

Be sweet and be kind'.'.'.

Because if you don't'.'.'.

I'll smack your behind.

The Buzz seconds that motion and moves for an immediate roll call vote.

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Posted on Sun, May. 18, 2003



Lawmakers must no longer ignore state's obligations

YOU'D THINK THAT WITH two weeks of debate -- and counting -- the Senate must be doing some major surgery on the budget, perhaps finally finding programs and entire agencies to eliminate.

You'd be wrong. For two weeks, the Senate has been playing partisan games and engaging in petty bickering. Democrats and Republicans alike seem focused on scoring political points -- trying to back the other guys into casting votes that can be taken out of context and used against them in the next election -- rather than trying to come up with a way to meet the state's needs.

Such behavior, unacceptable any time, is all the worse now because it obscures the larger problem: Senators, like representatives, are unwilling to own up to the state's deepening fiscal crisis. Just about everybody rightly condemns the House's insufficient spending on education, but no one has put forward a serious plan for fixing it. Democrats have proposed tax increases that are unreasonably high, and Republicans have backed away from their own alternatives. In large part because of this divisive partisanship, senators have even rejected the partial solution that had at one point seemed sure to sail through.

On Thursday, Democrats and Republicans did start trying to talk to each other and resolve the impasse. We hope they will continue that dialogue Monday. But simply getting along isn't enough. Senators must address the very real needs of our state.

The current Senate version of the budget, like the version passed by the House, falls far short of that goal. It will set education funding -- and with it the improvements we have begun to see in education -- back a quarter century. It will reduce state spending on Medicaid, thereby slashing the amount of matching money we receive from the federal government -- a move that will result in higher medical costs for the rest of us as hospitals, forced to treat the indigent, pass the costs to our insurance companies. It will make it impossible for our prisons to offer any rehabilitative services to the inmates who will eventually walk the streets again, and even make it impossible to adequately guard those inmates -- which may well result in riots and escapes. It will reduce our already inadequate police forces, making our highways and communities less safe. It will render the Department of Mental Health unable to treat people who pose a danger to themselves and others -- resulting in human tragedy and, as with the Medicaid cuts, a cost-shift to our insurance policies as hospitals are forced to take over the care.

Some lawmakers argue that families are having to make do with less money because of the economy, and so the state should also. That's a valid argument. But what gets left out is a look at how families make do. They don't reduce the amount of money they pay on the mortgage and the electricity bill and medical insurance. They cut out the cable TV or dinner out; they buy store brands. In short, they eliminate nonessential spending so they can pay those bills that simply must be paid. And if that doesn't work, somebody gets a second job.

Those are the facts lawmakers must face. The way out of this mess remains as simple, and as difficult, as it has been all year: The Legislature must either make targeted cuts that eliminate non-essential items while allowing the state to meet its obligations in essential areas, or it must raise taxes. There are

no other options.

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Posted on Sun, May. 18, 2003

Democrats' high spirits not dimmed

By LEE BANDY
Columnist

President Bush's visit last weekend failed to take the glow off the two-day Democratic revival that attracted the nine candidates seeking to unseat him.

If anything, Democrats appear more determined than ever to make amends for last November's drubbing at the polls.

"The Bush visit was intended to burst our bubble, but it failed," said Waring Howe Jr., newly elected Democratic National Committee member from Charleston.

With a huge assist from the White House, Republicans tried their best to rain on the Democrats' parade.

On the day Democrats were to take center stage, the White House chose to announce that Bush would address the University of South Carolina commencement the following week.

It made front-page news — just what the White House wanted.

"The timing of that announcement was political, no doubt about it," said state Democratic Party chairman Joe Erwin of Greenville. "They looked at our events, saw the publicity building in the national media, and moved promptly. They didn't want to see us getting any momentum."

The GOP's in-your-face move fizzled.

"It didn't take away anything from the Democratic weekend," said Francis Marion University political scientist Neal Thigpen, a Republican activist.

By all accounts, the Democratic weekend was a resounding success. The Jefferson-Jackson Dinner attracted a standing-room-only crowd. The state party convention was attended by a record number of delegates and alternates. The Democratic women's breakfast was sold out. The moderate Democratic Leadership Council luncheon was packed. Jim Clyburn's fish fry lasted well into the evening.

"We're energized," said Trav Robertson, a Democratic consultant. "There is new life, a breath of fresh air."

The weekend was capped off by the first nationally televised presidential debate of the primary season. It was lively. Most of the candidates acquitted themselves quite well.

State GOP chairman Katon Dawson said Bush's approval rating in South Carolina is extremely high and that it will certainly have a negative effect on many Democratic candidates.

"How do you compete against a president who is extremely popular and loved in South Carolina?" Dawson asked.

Bush breezed into town to deliver a foreign policy speech that was mostly a rehash of earlier addresses.

Several parents complained that he never challenged the students or spoke to them about anything relevant to them.

"I wouldn't say Bush flopped, but he fell short," said USC professor Blease Graham.

Bush's decision to address the USC commencement forced the school to bump the original speaker, Motion Picture Association of America president Jack Valenti, who addressed the second commencement Saturday.

His was more of a motivational speech designed to inspire graduates as they go out and find careers.

Understandably, Bush avoided the subject. Some 2.6 million jobs have been lost on his watch.

It should be noted that Valenti, a Democrat who served as a top White House aide to President Johnson, drew a bigger crowd than the president.

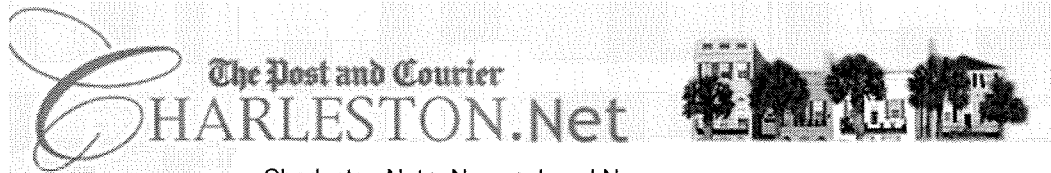
But Bush, being the president, dominated the news.

"This is Bush country," Thigpen said. "All he has to do is babble."

Democrats aren't fooling themselves. Their only hope in South Carolina is to be competitive enough to force Republicans to spend money and time here they ordinarily would invest elsewhere.

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Story last updated at 7:58 a.m. Sunday, May 18, 2003

SPA selling Daniel Is. property

Most land bought for rail line offered to former owners

BY RON MENCHACA
Of The Post and Courier staff

Jimmy Letton dreamed of someday raising his family on a picturesque patch of Cainhoy waterfront, shaded by giant oaks and tucked quietly away from the city's bustle.

Then he sold his dream for \$210,000.

In the late 1990s, Letton was among dozens of landowners who sold property to the State Ports Authority as part of the state agency's plans to build a state-of-the-art shipping terminal on Daniel Island. Many said they did so reluctantly, reasoning that the state had the power to condemn their land regardless.

At the time, the authority's Global Gateway port expansion plan was focused firmly on the island between the Wando and Cooper rivers. A long strip of Cainhoy pineland north of the proposed terminal site was needed for a rail line and road that would support the container operations.

When the plan came up against a mountain of public and legislative opposition, the SPA eventually abandoned Daniel Island in favor of expanding at the former Charleston Navy Base.

While the SPA has said it has no immediate plans to sell off its 1,300 acres on Daniel Island, its board voted in February to offer back most of the land that it purchased for the proposed rail line, which itself was a controversial piece of the expansion puzzle. Many in historically black Cainhoy feared the train traffic would destroy their rural quality of life.

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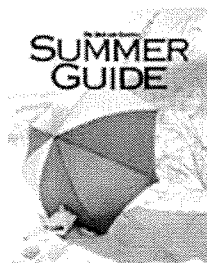
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Last week, the board took steps to sell back four of the Cainhoy properties. More such action is expected in the coming months.

In all, some 200 acres could be returned to the previous owners, including Harriet King.

Like Letton, King never really wanted to sell her Cainhoy land in the first place. So when she learned recently that she could reclaim it, at the original selling price, she and her daughters jumped at the chance.

But Letton doesn't get that same opportunity. The SPA says it needs to hold onto his and a few other Cainhoy parcels totaling about 50 acres, land that forms a strip connecting the port's Daniel Island parcel to Interstate 526.

Without the access, SPA officials say, the valuable island real estate would be sealed off from a main highway, decreasing its value and marketability.

"I don't think it's legal for them to keep the property," Letton said, noting that he has hired an attorney who is trying to convince port officials to sell back the land. "I'd still like to build out there."

Letton said he gladly would cough up the \$210,000 required to buy the land back. "I sold under threat of condemnation for a state project. Now they are going to turn around and make a profit on it. That's just not fair."

Even one of the port authority's staunchest critics, state Sen. Arthur Ravenel, R-Mount Pleasant, has said that it would be foolish for the SPA to sell the access properties that make the Daniel Island land so valuable to potential developers.

King, 91, only sold one acre, but it was a special acre, part of larger tract that her late husband bought in the 1950s. The Wando River tract helped put food on his family's table because Fred King used the land for his road construction business.

"We have a real sentimental attachment to the property," King's daughter Harriet Van Norte said from her mother's Yonge's Island home. "We want to do this in his memory."

King's property was not among the first batch the board agreed to sell back last week, but it's expected to be returned to the family soon.

Letton would love to get his land back and possibly take another stab at building that dream house. But he said he'd even consider selling it. The four acres fronting Clouter and Beresford creeks likely would fetch as much as \$750,000.

King and other Cainhoy landowners are finding that their former property has skyrocketed in value. For example, a one-acre parcel that the SPA bought in 1998 for \$75,000 is now appraised at \$155,000. A 1.8-acre tract that sold for about \$40,000 in 1997 is now worth about \$119,000.



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In both cases, the previous owners will pay the original selling price.

Cainhoy community activist Fred Lincoln, who was at the forefront of efforts to stop the port from expanding on Daniel Island, has said the SPA has no business hoarding land. The previous owners should be the ones to decide how their land will be used, he said.

Commercial property owners also are being given the opportunity to buy back their land but at the current market value.

So far, about 10 individuals and 10 companies have stepped up to buy their land back, port officials said. Some previous owners have not yet responded to the SPA's offer, and only two owners have declined.

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Bill draws fire over appeals process

BY KAREN ADDY, *Packet Columbia Bureau*
Published Sunday, May 18th, 2003

COLUMBIA -- Environmentalists are in an uproar over a bill introduced in the General Assembly that could make it much harder to halt controversial developments while they are under appeal.

"This is a terrible bill," said Nancy Vinson, water quality director for the S.C. Coastal Conservation League. "If this bill had been law, a stock car track could have been operating next to Four Holes Swamp for six to seven years now. Sandy Island could have had a state bridge permit to facilitate development. ... Marina operators on Hilton Head would have been dumping dredge spoil into pristine Calibogue Sound for four to five years now."

Currently, when individuals or groups appeal permit decisions made by the state Department of Health and Environmental Control or the Office of Ocean and Coastal Resource Management, an automatic stay is issued, according to DHEC regulations. But the House bill would change that.

"I'd heard from a number of people who said their projects had been held up by people who simply wanted to gain leverage," said Rep. James Harrison, R-Columbia and a sponsor of the bill. "When projects don't proceed quickly, it costs money."

The bill would grant the power to issue stays exclusively to administrative law judges, Harrison said. The state's six administrative law judges hear state agency appeals.

But administrative law judges often are overruled by circuit court judges, environmentalists say. The judicial appeals process often takes months, even years, to be resolved.

"So, if this new bill is approved, a developer could go ahead and bulldoze wetlands," Vinson said. "By the time a circuit judge overrules the decision, the damage would be done."

Harrison said the change would affect all permitting decisions made by DHEC.

"For instance, in Greenville, Wal-Mart wanted to build on a property, and DHEC approved it, and someone appealed," he said. "That project was held up for six months."

Harrison said a developer who is granted a permit should not have to bear the burden of proving that a project does not harm the environment. Rather, the party filing the appeal should take that responsibility, he said.

"The burden of proof is right where it should be," Vinson countered. "We are not out there appealing every little thing. We appeal only when there is a blatant abuse or violation of the rules. Normally, we have about a dozen appeals pending in a year. Four or five get resolved each year. And we win 99 percent of our appeals."

A House subcommittee approved the bill Thursday.

"The bill might pass the House this year, but it's got no chance of making it to the Senate," Harrison said.

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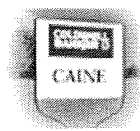
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But because this is the first in a two-year legislative session, bills approved in the House will be taken up by the Senate in January.

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State's civil rights-era anti-lynching law used mostly against blacks

Posted Sunday, May 18, 2003 - 2:06 am

By Allen G. Breed
THE ASSOCIATED PRESS
JENKINSVILLE — From the time his son was old enough to understand, Kamau Marcharia has been telling Ramon the story of an ancestor who was tied to the bumper of a Model T Ford and dragged to his death.

 [e-mail this story](#)

Lynching is part of black Southerners' heritage.

But Marcharia was not prepared for the call that came three years ago when Ramon and three other black boys got into a fight with a white boy at middle school and were summoned to court — to answer charges of lynching.

"I didn't even know there was a law like that," the veteran civil rights activist says. "I was outraged. See, a 13-year-old fighting because somebody either pushed him or punched him is not lynching. ...

"When I hear that term, psychologically I cannot get that out of my mind, the picture of some horrible event."

South Carolina's lynching law, the only one of four in the nation that is still routinely used, was enacted to end the state's long history of white vigilante justice against blacks. But that law has borne strange fruit.

Today in South Carolina, blacks are most often the ones charged with lynching — defined in the statute as any act of violence by two or more people against another, regardless of race.

According to an Associated Press analysis of crime statistics, black South Carolinians are charged with lynching twice as often as whites. Though they make up just 30 percent of the state's population, blacks account for 63 percent of the lynching charges.

In all but two of the state's 46 counties, blacks are charged with lynching out of proportion to their representation in the population. In Oconee County, for instance, blacks constitute 8 percent of the residents but 44 percent of those charged with lynching.

Prosecutors and police argue there is no racial profiling behind the law's application, noting that blacks are charged with other violent crimes more often than whites. But it's the use of the word lynching that trips Marcharia and others.

"Obviously, the law has outlived its purpose," says J. Wayne Flynt, a professor of

Southern history at Auburn University. "Its intent was to stop extralegal violence, essentially aimed at blacks."

For many, the term "lynching" conjures specific images — of black men, accused of some real or perceived crime, pulled from jail cells by torch-carrying white mobs, strung up from trees and mutilated.

When South Carolina's legislature passed its anti-lynching law in 1951, it was responding to just such a case — the highly publicized murder of Willie Earle, who was dragged out of jail by a white mob and gunned down in retaliation for the death of a cabbie.

It was in Greenville County that Earle's slaying occurred — and that is where the statute is invoked most often today.

Between 1998 and 2002, 446 people in Greenville County were charged with lynching. Blacks make up 18 percent of the county's population; they constituted 47 percent of the defendants whose race was specified.

The only other states with lynching statutes still on the books are California, Virginia and West Virginia, though the laws are rarely used.



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